BILL NO. Z-85-12-07

ZONING MAP ORDINANCE NO. Z-01-86

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Lots 22, 23 and 24 of the Plat of Survey of the Subdivision of Tract #5 in Dreyer's Subdivision in Section 14 and 15, Township 31 North, Range 12 East, Allen County, State of Indiana as recorded in Plat Book #9, Page 61 in the Office of the Recorder of Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. K-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd
Councilmember

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd seconded by DeBaracco, and duly adopted, read the second tim by title and referred to the Committee Regulation (and the Ci Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Way Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E

DATE: 12-10-85 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 1-28-86 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. Z-01-86 on the 28th day of January, 1986,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL) Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of January, 1986 at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of January 1986, at the hour of 2:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We _____
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-1-B District the property described as follows:

LOTS 22, 23 AND 24 of the PLAT of SURVEY of the SUBDIVISION of TRACT #5 IN DREYER'S SUBDIVISION IN SECTION 14 AND 15, TOWNSHIP 31 NORTH, RANGE 12 EAST ALLEN COUNTY, STATE of INDIANA AS RECORDED IN PLAT BOOK #9, Page 61 in the Office of the Recorder of Allen County, INDIANA

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

LIMA ROAD

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

HUGH W. JOHNSTON	915 OAKBROOK CT	
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

PHILLIP CHARAIS	14429 YODER RD, ROANOKE, 46783	672-3364
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots 22, 23 and 24 of the Plat of Survey of the Subdivision of Tract #5 in Dreyers Subdivision in Section 14 and 15, Township 31 North, Range 12 East Allen County, State of Indiana as recorded in Plat Book #9, Page 61 in the Office of the Recorder of Allen County, Indiana

Owners of Property

(Name)	(Address)	(Signature)
Hugh W. Johnston	915 Oak Branch Ct.	

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

Zohrab K. Tazian, PE & LS
President

Jerry K. Walker, PE & LS
Vice–President

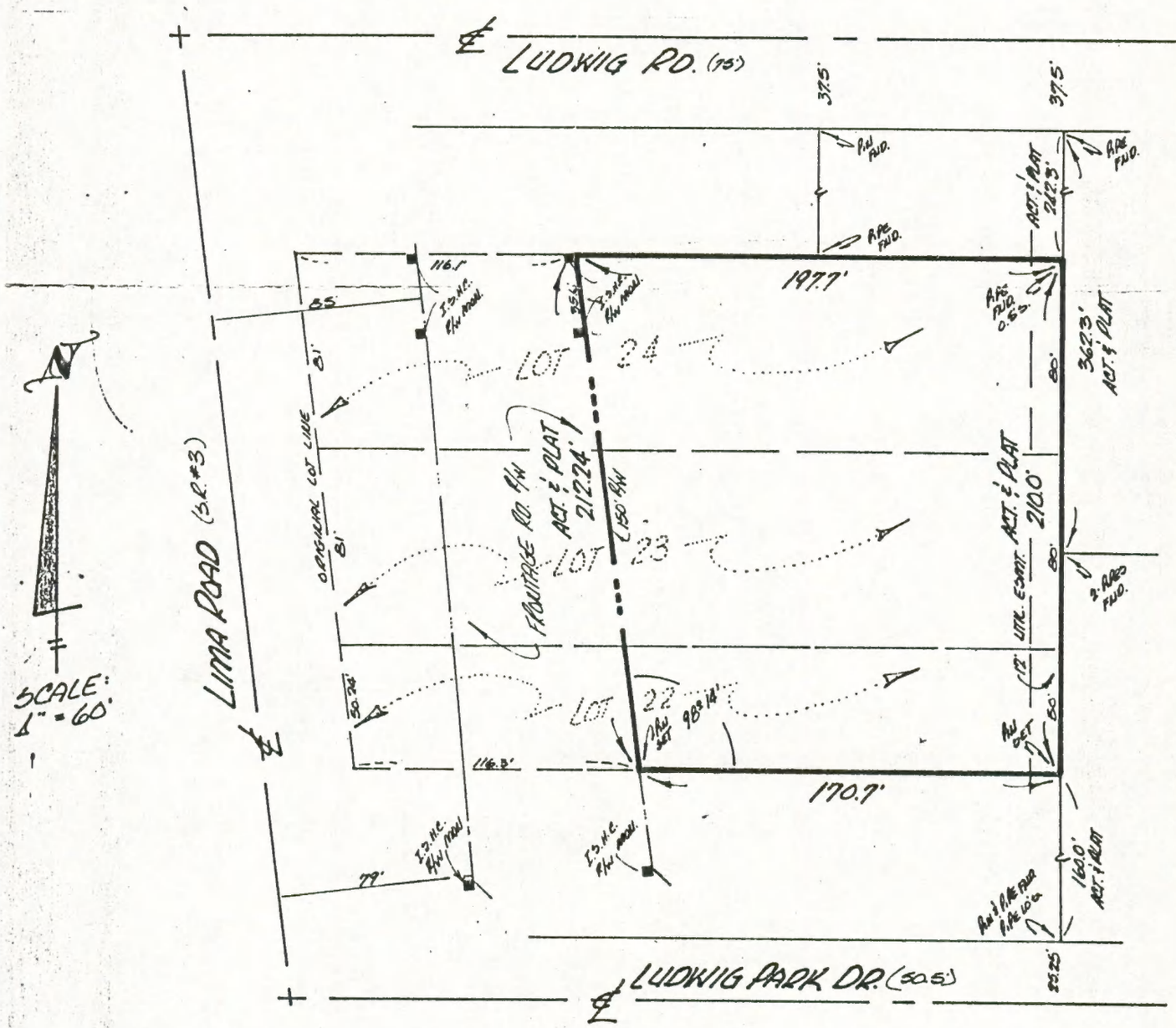
Certificate of Survey

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encrouchments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Lots #22, #23, and #24 of the Plat of survey of the Subdivision of Tract #5 in Dreyer's Subdivision in Section 14 and 15, Township 31 North, Range 12 East, Allen County, State of Indiana as recorded in Plat Book #9, Page 61 in the Office of the Recorder of Allen County, Indiana.

This property is not in special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. H-01-41, effective Feb. 27, 1976.



I hereby certify on the 6th day of August, 1976 that the above survey is correct.

Surveyed for: National Oil Corp.

Survey No.: D0-134

JERRY K. WALKER REGISTERED No. S0012 STATE OF INDIANA LAND SURVEYOR

710 South Barr Street Fort Wayne, Indiana 46802 Phones: 219/743–0003 or 219/422–3083

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 10, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-12-07; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 16, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held December 30, 1985.

Certified and signed this
6th day of January 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-85-12-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

6400 Block Lima Road

Reason for Project

To construct an office building.

Discussion (Including relationship to other Council actions)

16 December 1985 - Public Hearing

Phil Charais, representing Mr. Hugh Johnston the owner of the property stated that they wished to rezone in order to construct an office building on the property. He stated that he had contacted the Ludwig Park Association and two of the adjacent property owners and spoke with them regarding the screening and landscaping of the property. He stated that they have agreed to work with the neighborhood if the rezoning is approved.

Mel Smith questioned what the height of the buildings would be.

Mr. Charais stated they would be 1-story.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Hugh Johnston **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

30 December 1985 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 9 members present; 8 voted in favor of the rezoning; 1 did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** November 15, 1985

Projected Completion or Occupancy **Date** January 6, 1986

Fact Sheet Prepared by **Date** January 6, 1986

Patricia Biancaniello

Reviewed by **Date** 1/6/86

Reference or Case Number

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

CK# 29175

COMMUNITY DEVELOPMENT & PLANNING

№ 516

FT. WAYNE, IND., 11-15 1985

RECEIVED FROM Hughes Enterprises $ 50.00

THE SUM OF Fifty + 00/100 DOLLARS

ON ACCOUNT OF

Rezoning - Lenia Road

[signature]

AUTHORIZED SIGNATURE

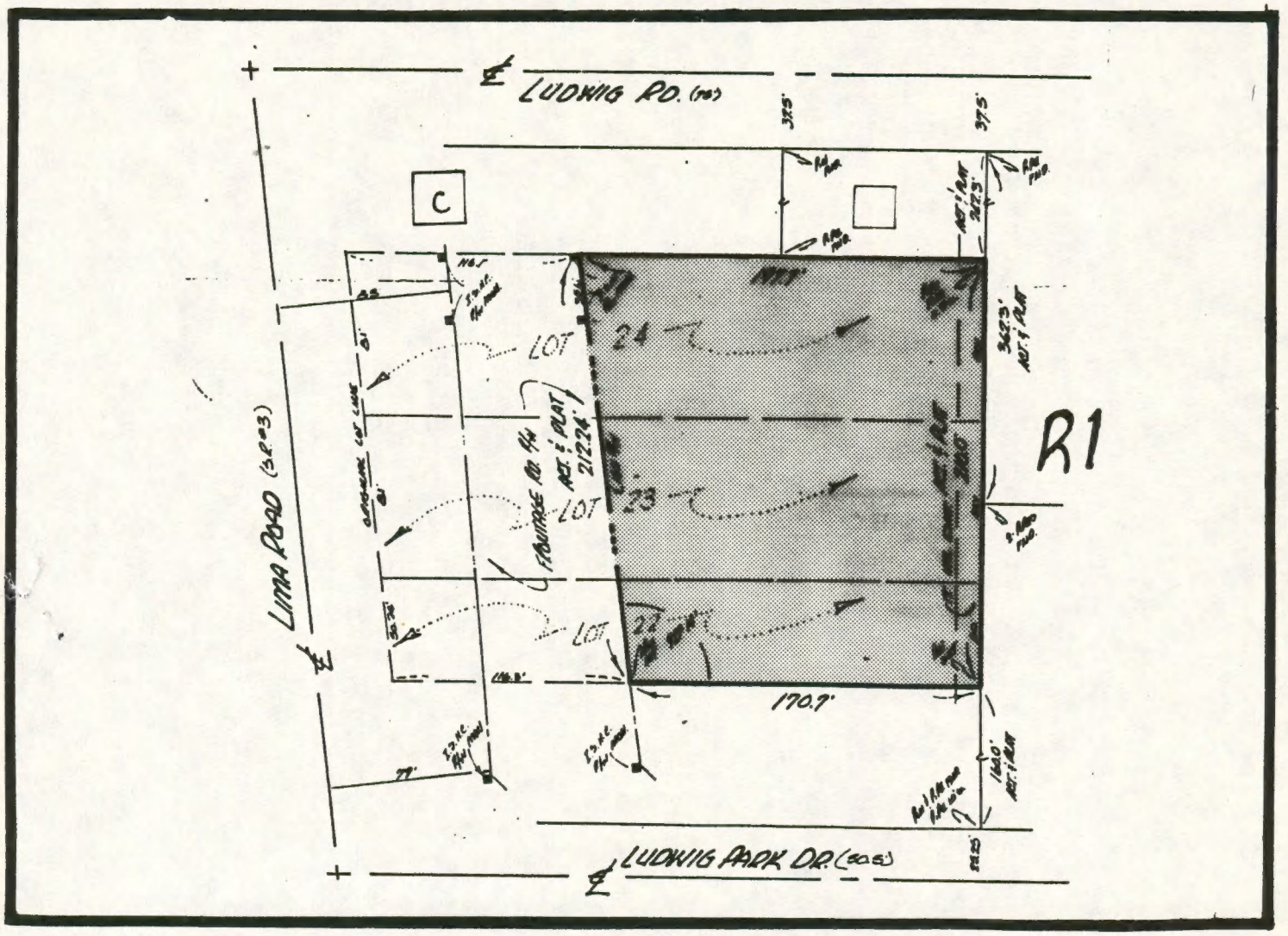
ZONING PETITION

#169

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-1-B DISTRICT.

MAP NO. K-38

COUNCILMANIC DISTRICT NO. 3



Zoning:

R1 RESIDENTIAL DISTRICT

Land Use:

☐ SINGLE FAMILY

[C] COMMERCIAL

Bill # Z-85-12-07

NORTH

L.W.

Scale: NOT TO SCALE

Date: 11-20-85

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. 3

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-85-12-07

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 6400 Block of Lima Road

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-85-12-07

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. K-38

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
	BEN A. EISBART CHAIRMAN	
	JANET G. BRADBURY VICE CHAIRWOMAN	
	DONALD J. SCHMIDT	
	THOMAS C. HENRY	
	CHARLES B. REDD	

CONCURRED IN 1-28-86

SANDRA E. KENNEDY
CITY CLERK